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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA,) Case No. 08CR1262IEG
12 Plaintiff,) Mag. No. 08MJ8282
13 v.) DECLARATION OF COUNSEL
14 VALADEZ-MARTINEZ,) IN SUPPORT OF MOTION FOR
15) VIDEO DEPOSITION OF
16 Defendants.) MATERIAL WITNESSES
)
) DATE: May 16, 2008
) TIME: 10:00 A. M.
) DEPT: Bencivengo

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18 I am an attorney duly licensed to practice before all the courts
19 of this State and this District and Circuit. I am the attorney of
20 record for the material witnesses in the above action. I have personal
21 knowledge of the facts set forth in this action and could testify
22 competently thereto if called.

24 My clients in this action has been in federal custody since
25 March 30, 2008. They have been held as a material witnesses in the
26 above captioned case. My clients are unable to locate a surety to post
bond.

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This case was indicted on or before April 22, 2008.

My clients have indicated to me that each day they spend in custody is a hardship to my clients and their families as more specifically set forth in their individual declarations.

The testimony of the witnesses could be secured via videotaped depositions. This is a procedure in routine practice in this district in material witness cases. At such a deposition, all parties would be given the opportunity to fully and completely examine the witness. In addition, the proceedings would be videotaped creating a visual and auditory record of the proceeding. Such videotaped deposition could be introduced at trial in stead of the live testimony of the material witness.

Based on the above it respectfully requested that this motion be granted, that said depositions take place at the earliest possible time, and that my clients be allowed to voluntarily return to their homes in Mexico immediately thereafter.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct of my own personal knowledge except as to those matters stated to be based upon information and belief and, as to those matters, I am informed and believe that they are true and correct. Executed this May 2, 2008 in San Diego, California.

S/
JONATHAN DAVID FRANK,
Attorney for Material Witnesses